

# EXHIBIT 2

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09/10/2024

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UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF WYOMING

STEPHANIE WADSWORTH,  
Individually and as Parent  
and Legal Guardian of W.W,  
K.W., G.W., and L.W., minor  
children, and MATTHEW  
WADSWORTH

Plaintiffs, )

vs. )

No. 2:23-cv-00118-NDF

WALMART, INC., and JETSON )  
ELECTRIC BIKES, LLC, )

Defendants. )

DEPOSITION OF MICHAEL J. SCHULZ

Tuesday, September 10, 2024

Roseville, California

REPORTED BY: Joy E. Shure, CSR No. 3659

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1 this house would have had electrical power at the time  
2 the fire initiated?

3 A. Correct.

4 Q. And the house would have maintained electrical  
5 power to it until the fire breached through this window  
6 and either the flames from the window or the flames from  
7 the smoking shed, under your theory, severed it?

8 A. Correct.

9 Q. All right. We'll get back to all of this. I  
10 got a little sidetracked from your invoices here, which  
11 will happen.

12 All right. After your May site inspection,  
13 that was the only time that you have physically seen any  
14 evidence in this case; correct?

15 A. Correct.

16 Q. And there was a follow-up August site  
17 inspection with a number of additional parties; correct?

18 A. Correct.

19 Q. You did not attend that?

20 A. I did not.

21 Q. Mr. Birdsong attended on your behalf?

22 A. Correct.

23 Q. All right. Why did you not attend it?

24 A. I think I had a trial conflict or something.  
25 Originally, I was scheduled to attend and he

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1 indicating -- or the diagrams that you're indicating  
2 that he did?

3 A. Correct, independent of the Matterport diagrams  
4 that he generated.

5 Q. Correct.

6 A. And the only difference is there's a few more  
7 of these in my case file, but he provided some without  
8 the graph paper lines.

9 Q. Okay. So the other diagrams that are in your  
10 case file, they're similar to what we see here in  
11 Exhibit 98; correct?

12 A. That's where I printed these from.

13 Q. Okay.

14 A. And then under Matterport scan, under his  
15 Matterport data, you'll see some other diagrams of the  
16 incident scene that are generated automatically by  
17 Matterport.

18 Q. And the Matterport process involves setting up  
19 the scanner, letting it run its 360 in each area where  
20 you want a data point and then that is then developed  
21 into a 3D scan; correct?

22 A. Correct. And then from that they generate  
23 floor plans for you.

24 Q. Okay. Do you know if Mr. Birdsong assisted in  
25 processing the fire scene in August of 2022?

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1 A. I know that he did.

2 Q. Okay. What was his involvement in that regard?

3 A. He's the one that I had him define the search

4 grids and then I have him over -- supervise the

5 searching of the different search grids, another thing

6 that he routinely does at fire and explosion scenes for

7 as long as I've known him some 20 years.

8 Q. So the search grids would be shown on Page 4 of

9 Exhibit 98?

10 A. Correct, and he originally defined those.

11 Q. Okay. Do you know if he was -- was he actually

12 involved in the processing of the scene or did he just

13 oversee it?

14 A. I wasn't there, so I don't think -- I don't

15 know that I can answer that question, but he was there

16 to supervise it and make sure that the evidence got

17 marked properly out of those search grids.

18 Q. Okay. Do you know if he was involved in

19 actually shoveling out the fire debris and sifting

20 through it?

21 A. I don't know the extent of his involvement. I

22 don't know that I've ever discussed that with him.

23 Q. In looking at the search grids that he put

24 together, so there's a Search Grid A-1 and then B-1 that

25 seem to indicate the areas of where the hoverboard was

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1 Q. Do you know, as you sit here today, how many  
2 cells had expelled?

3 A. I don't know. I wasn't involved in that  
4 examination.

5 Q. Do you know the manner in which the cells  
6 expelled?

7 A. I don't. I'm not offering opinions on that.

8 Q. You have -- let me strike that.

9 With a fire that initiates from careless  
10 disposal of smoking material, that generally can be a  
11 smoldering type fire; correct?

12 MR. AYALA: Form.

13 THE WITNESS: It has a high likelihood to do  
14 that, yes.

15 BY MR. LaFLAMME:

16 Q. Okay. And in saying "smouldering type fire,"  
17 meaning that that is a fire that could initiate a  
18 lengthy period of time after the actual careless  
19 disposal of smoking materials occurs?

20 A. And before and after the flaming combustion,  
21 yes.

22 Q. Meaning if Mrs. Wadsworth had smoked in the  
23 smoking shed sometime between 1:30 and 2:00 a.m. and  
24 this fire initiated sometime between 4:00 and 4:30 a.m.,  
25 and assuming it was due to careless use of smoking

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1 material, that time lapse is not unusual with careless  
2 use of smoking material-generated fires?

3 MR. AYALA: Form.

4 THE WITNESS: No, it can't be used to exclude  
5 that possibility.

6 BY MR. LaFLAMME:

7 Q. Meaning the time difference from which  
8 Mrs. Wadsworth testified that she last smoked in the  
9 smoking shed and the identification of this fire had it  
10 started -- assuming it started in the smoking shed, that  
11 time lapse would not exclude careless use of smoking  
12 material?

13 A. No.

14 Q. Looking at Pages 56 to 59, this is a list of  
15 all the evidence in this case; correct?

16 A. Correct.

17 Q. All right. And aside from visual observations  
18 either in person or of photographs, you have not  
19 physically inspected any of the evidence in this case?

20 A. Not as part of an evidence exam.

21 Obviously, I looked at the -- I looked at the  
22 hoverboard the first time we were there. I looked at  
23 the outlet. I looked at some of the branch wiring and  
24 so forth, but I did not look at any of this evidence as  
25 part of a subsequent organized laboratory inspection.

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1 BY MR. LaFLAMME:

2 Q. Okay. You had discussed with Mr. Ayala some of  
3 the deposition testimony from the Wadsworth children.

4 Do you agree that that deposition testimony was  
5 given in May of this year; correct?

6 A. Yes.

7 Q. So more than two years after the fire; correct?

8 A. Correct.

9 Q. Okay. And do you agree that, as a general  
10 statement, people's memories are freshest in the closest  
11 in time to the event?

12 MR. AYALA: Form.

13 THE WITNESS: I always agree to that as a  
14 general statement, yes.

15 BY MR. LaFLAMME:

16 Q. With respect to the disposal of smoking  
17 material, you had indicated that there was no way to  
18 reach that conclusion.

19 Do you recall that?

20 A. Correct. That's one of those fire causes that  
21 even if that's what occurred, it's very hard to ever  
22 prove or reach that conclusion without very credible  
23 evidence.

24 Q. And what you are getting at there is that the  
25 careless disposal of the smoking material will be



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1 subsumed within the fire damage material; correct?

2 MR. AYALA: Form.

3 THE WITNESS: Generally, that's the biggest  
4 problem, yes.

5 BY MR. LaFLAMME:

6 Q. Okay. So in this situation --

7 A. Either consumed or even recognized in the  
8 processing of the fire scene.

9 Q. Okay. So in this situation, based on an  
10 assumption that the fire started due to a careless use  
11 of smoking material within the smoking shed, it is not  
12 surprising to you that you would not be able to identify  
13 the specific cigarette that was carelessly disposed of;  
14 correct?

15 MR. AYALA: Form.

16 THE WITNESS: That wouldn't bother me, no.

17 MR. LaFLAMME: Okay. That's all the questions  
18 I have, sir.

19 THE WITNESS: Thank you.

20

21 FURTHER EXAMINATION+

22 BY MR. AYALA:

23 Q. In other words, a smoking material that is  
24 carelessly disposed of, in this case, based upon the  
25 facts and circumstances of this case, in order to

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REPORTER'S CERTIFICATE

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I, Joy E. Shure, a Certified Shorthand Reporter,  
holding a valid and current license issued by the State of  
California, CSR No. 3659, do hereby certify:

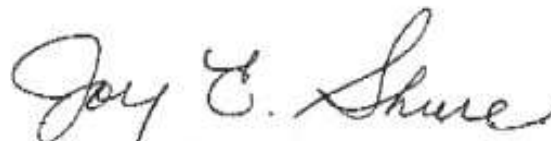
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I further certify that I am neither counsel for  
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The dismantling, unsealing, or unbinding of the  
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IN WITNESS WHEREOF, I have hereunto subscribed my  
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Joy E. Shure, CSR No. 3659